

JIM EXON, HANK BROWN, ALAN SIMPSON, PAUL SIMON, BILL BRADLEY, MARK HATFIELD, BENNETT JOHNSTON, and BILL COHEN for a job well done and my wishes for continued success in the future.

SECTION 405 OF THE HIGHER EDUCATION ACT OF 1965

Mr. MACK. Mr. President, I rise today to address a situation resulting from the Department of Education's interpretation of section 435 of the Higher Education Act of 1965 [HEA] which has adversely impacted many schools in Florida and across the country. In 1990, Congress amended the act to prohibit institutions from continuing their participation in the Federal Family Education Loan [FFEL] Program if their cohort default rate is equal to or above the threshold percentage for the 3 consecutive years "for which data is available." Along similar lines, this year Congress passed additional legislation which required that any school terminated from the FFEL program will no longer be eligible to receive Pell Grants for its students.

However, the Department of Education has taken the position that this law will be enforced using default rate data for years 1991, 1992, and 1993. Schools have already received their republished 1994 rates, many which are below the current threshold requirement, and some are even half of what they were in years prior. Despite this achievement, the Department has terminated or is currently terminating schools based on their 1991, 1992, and 1993 rate—not on their 1994 rate—because the Department does not consider the 1994 rate to be "available" until it is published. Based upon their technicality, the Department is essentially punishing schools which have implemented costly default management programs and achieved the desired result of the law—reducing their cohort default rate.

Mr. President, the intent of this law was for schools to educate their students about the importance of repaying their loans, and established a 3-year period within which a school must take proper measures to reduce its cohort default rate. It is perfectly acceptable for Congress to enact legislation to protect taxpayers from the costs associated with high default rates, and current law does so by requiring those involved in the Federal student loan process to educate students about the importance of repayment. However, I do not believe that Congress intended for schools which have reduced their default rate to be terminated from these programs.

Given this late hour, it is unlikely that legislation addressing this situation will be enacted prior to the close of the 104th Congress. Therefore, I ask the Department to do everything in its power to use the most recent data when evaluating the eligibility status of these institutions. I thank the Chair and I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1995—MESSAGE FROM THE PRESIDENT—PM 172

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal Year 1995, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12 (l) of the Railroad Unemployment Insurance Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 27, 1996.

REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 1995—MESSAGE FROM THE PRESIDENT—PM 173

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95-454; 5 U.S.C. 7104(e)), I have the pleasure of transmitting to you the Seventeenth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1995.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 27, 1996.

REPORT OF PROPOSED LEGISLATION ENTITLED "THE FAMILY-FRIENDLY WORKPLACE ACT OF 1996"—MESSAGE FROM THE PRESIDENT—PM 174

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying

report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I am pleased to transmit today for consideration and passage the "Family-Friendly Workplace Act of 1996." Also transmitted is a section-by-section analysis. This legislative proposal is vital to American workers, offering them a meaningful and flexible opportunity to balance successfully their work and family responsibilities.

The legislation would offer workers more choice and flexibility in finding ways to earn the wages they need to support their families while also spending valuable time with their families. In particular, the legislation would allow eligible employees who work overtime to receive compensatory time off—with a limit of up to 80 hours per year—in lieu of monetary compensation. In addition, the legislation contains explicit protections against coercion by employers and abuses by unstable or unscrupulous businesses.

The legislation also would amend the Family and Medical Leave Act of 1993. This statute currently allows eligible workers at businesses with 50 or more employees to take up to 12 weeks of unpaid, job-protected leave to care for a newborn child, attend to their own serious health needs, or care for a seriously ill parent, child, or spouse. Although enactment of this statute was a major step forward in helping families balance work and family obligations, the law does not address many situations that working families typically confront. The enclosed legislation would cover more of these situations, thereby enhancing workers' ability to balance their need to care for their children and elderly relatives without sacrificing their employment obligations. Under the expanded law, workers could take up to 24 hours of unpaid leave each year to fulfill additional, specified family obligations, which would include participating in school activities that relate directly to the academic advancement of their children, accompanying children or elderly relatives to routine medical appointments, and attending to other health or care needs of elderly relatives.

I urge the Congress to give this legislation favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 27, 1996.

MESSAGES FROM THE HOUSE

At 9:40 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 221. Concurrent resolution correcting the enrollment of H.R. 3159.

The message also announced that the House agrees to the amendment of the Senate bill (H.R. 3159) to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998,